



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2013 REGULAR SESSION

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SENATE BILL NO. 75

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TUESDAY, FEBRUARY 26, 2013

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The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED  
DATE March 22, 2013  
3:19pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY L. Holler

1 AN ACT relating to school instructional days.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 158.070 is amended to read as follows:

- 4 (1) The minimum school term shall be one hundred eighty-five (185) days, including  
5 no less than the equivalent of one hundred seventy-five (175) six (6) hour  
6 instructional days. A board of education may extend its term beyond the minimum  
7 term.
- 8 (2) The local board of education, upon recommendation of the local school district  
9 superintendent, shall adopt a school calendar for the upcoming school year that  
10 establishes the opening and closing dates of the school term, beginning and ending  
11 dates of each school month, instructional days, and days on which schools shall be  
12 dismissed. The local board may schedule days for breaks in the school calendar that  
13 shall not be counted as a part of the minimum school term.
- 14 (3) Any local board of education operating its schools on a year-round school program  
15 basis shall conform with administrative regulations promulgated and adopted by the  
16 Kentucky Board of Education upon the recommendation of the commissioner of  
17 education, which regulations must be in conformity with the following criteria:
- 18 (a) The year-round school program shall be operated on a fiscal year beginning  
19 July 1 and ending June 30;
- 20 (b) A pupil's required attendance in school shall be for at least the minimum  
21 instructional term; and
- 22 (c) No teacher shall be required to teach more than the minimum term during the  
23 school year.
- 24 (4) (a) Each local board of education shall use four (4) days of the minimum school  
25 term for professional development and collegial planning activities for the  
26 professional staff without the presence of pupils pursuant to the requirements  
27 of KRS 156.095. At the discretion of the superintendent, one (1) day of

1 professional development may be used for district-wide activities and for  
2 training that is mandated by federal or state law. The use of three (3) days  
3 shall be planned by each school council, except that the district is encouraged  
4 to provide technical assistance and leadership to school councils to maximize  
5 existing resources and to encourage shared planning.

6 (b) In addition to the four (4) days required under paragraph (a) of this subsection,  
7 a minimum of two (2) hours of self-study review of suicide prevention  
8 materials shall be required for all high school and middle school principals,  
9 guidance counselors, and teachers each school year.

10 (c) A local board may approve a school's flexible professional development plan  
11 that permits teachers or other certified personnel within a school to participate  
12 in professional development activities outside the days scheduled in the school  
13 calendar or the regularly scheduled hours in the school work day and receive  
14 credit towards the four (4) day professional development requirement within  
15 the minimum one hundred eighty-five (185) days that a teacher shall be  
16 employed.

17 1. A flexible schedule option shall be reflected in the school's professional  
18 development component within the school improvement plan or  
19 consolidated plan and approved by the local board. Credit for approved  
20 professional development activities may be accumulated in periods of  
21 time other than full day segments.

22 2. No teacher or administrator shall be permitted to count participation in a  
23 professional development activity under the flexible schedule option  
24 unless the activity is related to the teacher's classroom assignment and  
25 content area, or the administrator's job requirements, or is required by  
26 the school improvement or consolidated plan, or is tied to the teacher's  
27 or the administrator's individual growth plan. The supervisor shall give

1 prior approval and shall monitor compliance with the requirements of  
2 this paragraph. In the case of teachers, a professional development  
3 committee or the school council by council policy may be responsible  
4 for reviewing requests for approval.

5 (d) The local board of each school district may use up to a maximum of four (4)  
6 days of the minimum school term for holidays; provided, however, any  
7 holiday which occurs on Saturday may be observed on the preceding Friday.

8 (e) Each local board may use two (2) days for planning activities without the  
9 presence of pupils.

10 (f) Each local board may use the number of days deemed necessary for:

- 11 1. National or state disaster or mourning when proclaimed by the President  
12 of the United States or the Governor of the Commonwealth of  
13 Kentucky;
- 14 2. Local disaster which would endanger the health or safety of children;  
15 and
- 16 3. Mourning when so designated by the local board of education and  
17 approved by the Kentucky Board of Education upon recommendation of  
18 the commissioner of education.

19 (5) The Kentucky Board of Education, upon recommendation of the commissioner of  
20 education, shall adopt administrative regulations governing the use of school days,  
21 including days missed from the regular school day as a result of local disaster, as  
22 defined in subsection (4)(f)2. of this section, and regulations setting forth the  
23 guidelines and procedures to be observed for the approval of the days utilized for  
24 the opening and closing of school and the days utilized for professional  
25 development and planning activities for the professional staff.

26 (6) (a) In setting the school calendar, school may be closed for two (2) consecutive  
27 days for the purpose of permitting professional school employees to attend

1 statewide professional meetings. These two (2) days for statewide professional  
 2 meetings may be scheduled to begin with the first Thursday after Easter, or  
 3 upon request of the statewide professional education association having the  
 4 largest paid membership, the commissioner of education may designate  
 5 alternate dates. If schools are scheduled to operate during days designated for  
 6 the statewide professional meeting, the school district shall permit teachers  
 7 who are delegates to attend as compensated professional leave time and shall  
 8 employ substitute teachers in their absence. The commissioner of education  
 9 shall designate one (1) additional day during the school year when schools  
 10 shall be closed to permit professional school employees to participate in  
 11 regional or district professional meetings. These three (3) days so designated  
 12 for attendance at professional meetings shall not be counted as a part of the  
 13 minimum school term. School shall be closed on the day of a regular election  
 14 and on the day of a primary election, and those days may be used for  
 15 professional development activities, professional meetings, or parent-teacher  
 16 conferences.

17 (b) All schools shall be closed on the third Monday of January in observance of  
 18 the birthday of Martin Luther King, Jr. Districts may:

- 19 1. Designate the day as one (1) of the four (4) holidays permitted under  
 20 subsection (4)(d) of this section; or
- 21 2. Not include the day in the minimum school term specified in subsection  
 22 (1) of this section.

23 (7) (a) The Kentucky Board of Education, or the organization or agency designated  
 24 by the board to manage interscholastic athletics, shall be encouraged to  
 25 schedule athletic competitions outside the regularly scheduled school day.

26 (b) Beginning with the 2009-2010 school year, any member of a school-  
 27 sponsored interscholastic athletic team who competes in a regional

1 tournament or state tournament sanctioned by the Kentucky Board of  
2 Education, or the organization or agency designated by the board to manage  
3 interscholastic athletics, and occurring on a regularly scheduled school day  
4 may be counted present at school on the date or dates of the competition, as  
5 determined by local board policy, for a maximum of two (2) days per student  
6 per year. The student shall be expected to complete any assignments missed  
7 on the date or dates of the competition.

8 (c) The school attendance record of any student for whom paragraph (b) of this  
9 subsection applies shall indicate that the student was in attendance on the date  
10 or dates of competition.

11 (8) Students applying for excused absence for attendance at the Kentucky State Fair  
12 shall be granted one (1) day of excused absence.

13 (9) Schools shall provide continuing education for those students who are determined  
14 to need additional time to achieve the outcomes defined in KRS 158.6451, and  
15 schools shall not be limited to the minimum school term in providing this  
16 education. Continuing education time may include extended days, extended weeks,  
17 or extended years. A local board of education may adopt a policy requiring its  
18 students to participate in continuing education. The local policy shall set out the  
19 conditions under which attendance will be required and any exceptions which are  
20 provided. The Kentucky Board of Education shall promulgate administrative  
21 regulations establishing criteria for the allotment of grants to local school districts  
22 and shall include criteria by which the commissioner of education may approve a  
23 district's request for a waiver to use an alternative service delivery option, including  
24 providing services during the school day on a limited basis. These grants shall be  
25 allotted to school districts to provide instructional programs for pupils who are  
26 identified as needing additional time to achieve the outcomes defined in KRS  
27 158.6451. A school district that has a school operating a model early reading

1 program under KRS 158.792 may use a portion of its grant money as part of the  
 2 matching funds to provide individualized or small group reading instruction to  
 3 qualified students outside of the regular classroom during the school day.

- 4 (10) Notwithstanding any other statute, each school term shall include no less than the  
 5 equivalent of the minimum number of instructional days required by this section,  
 6 except that the commissioner of education may grant up to the equivalent of ten  
 7 (10) instructional days for school districts that have missed an average of twenty  
 8 (20) or more days in the previous three (3) years and use alternative methods of  
 9 instruction, including virtual learning, on days when the school district is closed  
 10 for health or safety reasons, on nontraditional days, or on nontraditional time.  
 11 Average daily attendance for purposes of Support Education Excellence in  
 12 Kentucky program funding during the instructional time granted shall be  
 13 calculated in compliance with administrative regulations promulgated by the  
 14 Kentucky Board of Education.

- 15 (11) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection  
 16 (1) of this section, a school district shall arrange bus schedules so that all buses  
 17 arrive in sufficient time to provide breakfast prior to the instructional day. In the  
 18 event of an unforeseen bus delay, the administrator of a school that participates in  
 19 the Federal School Breakfast Program may authorize up to fifteen (15) minutes of  
 20 the six (6) hour instructional day if necessary to provide the opportunity for children  
 21 to eat breakfast not to exceed eight (8) times during the school year within a school  
 22 building.

- 23 (12) Notwithstanding any other statute to the contrary, the following provisions shall  
 24 apply to a school district that misses school days due to emergencies, including  
 25 weather-related emergencies:

- 26 (a) A certified school employee shall be considered to have fulfilled the minimum  
 27 one hundred eighty-five (185) day contract with a school district under KRS

1 157.350 and shall be given credit for the purpose of calculating service credit  
2 for retirement under KRS 161.500 for certified school personnel if:

3 1. State and local requirements under this section are met regarding the  
4 equivalent of the number and length of instructional days, professional  
5 development days, holidays, and days for planning activities without the  
6 presence of pupils; and

7 2. The provisions of the district's school calendar to make up school days  
8 missed due to any emergency, as approved by the Kentucky Department  
9 of Education, including but not limited to a provision for additional  
10 instructional time per day, are met.

11 (b) Additional time worked by a classified school employee shall be considered as  
12 equivalent time to be applied toward the employee's contract and calculation  
13 of service credit for classified employees under KRS 78.615 if:

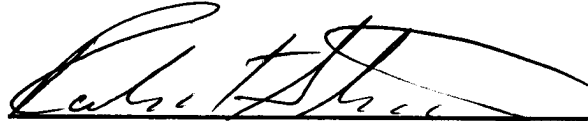
14 1. The employee works for a school district with a school calendar  
15 approved by the Kentucky Department of Education that contains a  
16 provision that additional instructional time per day shall be used to make  
17 up full days missed due to an emergency;


18 2. The employee's contract requires a minimum six (6) hour work day; and

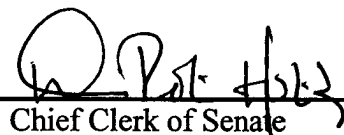
19 3. The employee's job responsibilities and work day are extended when the  
20 instructional time is extended for the purposes of making up time.

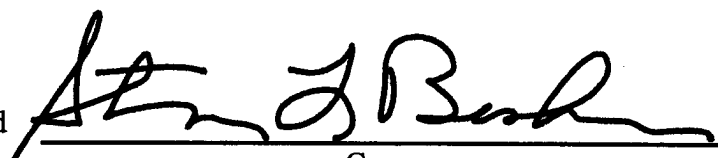
21 (c) Classified employees who are regularly scheduled to work less than six (6)  
22 hours per day and who do not have additional work responsibilities as a result  
23 of lengthened instructional days shall be excluded from the provisions of this  
24 subsection. These employees may be assigned additional work responsibilities  
25 to make up service credit under KRS 78.615 that would be lost due to  
26 lengthened instructional days.



  
\_\_\_\_\_  
President of Senate

  
\_\_\_\_\_  
Speaker-House of Representatives

Attest:   
\_\_\_\_\_  
Chief Clerk of Senate

Approved   
\_\_\_\_\_  
Governor

Date 3-22-13